

IN THE CIRCUIT COURT OF ST. LOUIS CITY, MISSOURI  
ASSOCIATE CIRCUIT DIVISION

CHUDWUKI NJOKU,	)	
	)	Case No.:
Plaintiff,	)	
	)	Div. No.:
v.	)	
	)	
GC SERVICES LIMITED PARTNERSHIP,	)	
	)	<b>JURY TRIAL DEMANDED</b>
Serve at:	)	
Registered Agent	)	
CT Corporation	)	
120 South Central Avenue	)	
Clayton, MO 63105	)	
	)	
Defendant.	)	

**PETITION FOR DAMAGES**

Comes now Plaintiff, Chudwuki Njoku, by and through counsel, and states to this Court the following:

**INTRODUCTION AND JURISDICTION**

1. This is an action for statutory damages brought by an individual consumer for violations of the Fair Debt Collections Practices Act, 15 U.S.C. § 1692 *et. seq.* ("FDCPA").
2. This Court has jurisdiction of the FDCPA claim under 15 U.S.C. § 1692k(d).
3. Venue is appropriate in this Court because Defendant directed its illicit conduct at Plaintiff in Saint Louis City, Missouri.
4. Plaintiff demands a trial by jury on all issues so triable.

**PARTIES**

5. Plaintiff is a natural person currently residing in Saint Louis City, Missouri. Plaintiff is a consumer within the meaning of the FDCPA. The alleged debt owed arises out of consumer, family and household transactions.

6. Defendant is a foreign company with its principal place of business in Houston, Texas. The principal business purpose of Defendant is the collection of debts, and Defendant regularly attempts to collect alleged debts owed.

7. Defendant is engaged in the collection of debts from consumers using the mail and telephone in Missouri and nationwide. Defendant is a “debt collector” as defined by the FDCPA. 15 U.S.C. § 1692a(6).

### **FACTS**

8. Defendant’s collection activity of which Plaintiff complains occurred within the previous twelve (12) months.

9. Plaintiff’s alleged debt is comprised of deficiencies from an account with AES regarding a student loan.

10. Plaintiff’s initial communication took place with Defendant via telephone on or around September 8, 2015 in order to learn more information about the alleged debt.

11. During the phone conversation, Defendant acknowledged that this was the first time the parties had spoken. Plaintiff’s rights pursuant to 15 U.S.C. § 1692g remained in full effect throughout Defendant’s collection activity.

12. During the phone conversation, Plaintiff attempted to dispute the debt and asked for verification, stating that the balance was extremely high.

13. Defendant responded by stating that it will take anywhere from six to eight weeks before Plaintiff will receive verification and that the high balance was due to penalties, interest and collection charges.

14. Such an assertion made by Defendant was false or misleading and was a tactic or misrepresentation intended to coerce or deceive Plaintiff into paying the alleged debt.

15. Defendant agreed that they would send verification but then immediately demanded payment multiple times. Defendant even went so far to state that when the loan is in default, it is subject to wage garnishment.

16. Defendant further stated that while you wait the six to eight weeks for verification, if you "work out a payment plan" with us, it will prevent the wage garnishment.

17. Defendant's conduct caused Plaintiff to believe that Plaintiff could not exercise Plaintiff's Section 1692g rights or that such an exercise would not be honored, and that Plaintiff had to pay the alleged debt within the dispute period. Defendant overshadowed Plaintiff's rights to dispute, validate and verify the debt during the conversation.

18. During the phone call, Plaintiff asked politely about how payment will impact Plaintiff's credit score. Defendant told Plaintiff that once "you make nine" payments, you will get out of default. Defendant further stated that once you're finished "paying the loan, it will be expunged" and off of your credit report.

19. Again, such an assertion made by Defendant was false or misleading and was a tactic or misrepresentation intended to coerce or deceive Plaintiff into paying the alleged debt.

20. Plaintiff also told Defendant to cease all phone calls to Plaintiff during the day because Plaintiff was at work during the day and such calls are not acceptable. Defendant stated that they would comply and would notate the account.

21. Since the September 8, 2015 phone call, Plaintiff has received numerous calls by Defendant during the day.

22. Plaintiff contacted Defendant on October 22, 2015 and confirmed that Defendant was contacting him during the day. Plaintiff again stressed that he is at work during this time and need all of Defendant's calls to cease.

23. Defendant's collection attempts and misrepresentations have caused Plaintiff to incur actual damages, attorney's fees, as well as emotional distress and denial of credit.

**COUNT I: VIOLATION OF THE FDCPA**

24. Plaintiff re-alleges and incorporates by reference the above paragraphs.

25. Defendant regularly attempts to collect consumer debts asserted to be due to another and, at all relevant times herein, was a "debt collector" as defined by 15 U.S.C. § 1692a(6).

26. A single action on the part of a debt collector can violate multiple sections of the FDCPA.

27. In its attempts to collect the alleged debt from Plaintiff, Defendant has committed violations of the FDCPA, 15 U.S.C. § 1692 *et. seq.* including, but not limited to the following:

- a. Using false, deceptive, or misleading representation or means in connection with the collection of the alleged debt. 15 U.S.C §1692e;
- b. Overshadowing Plaintiff's dispute, validation, and verification rights in violation of 15 U.S.C. §1692g;
- c. Continuing to collect on the alleged debt prior to providing verification and refusing to provide validation of the debt in violation of 15 U.S.C. §1692g;
- d. Attempting to collect interest, fees, charges and expenses not permitted by law or expressly authorized by the agreement creating the debt in violation of 15 U.S.C. §1692f;
- e. Using unfair or unconscionable means to collect a debt in violation of 15 U.S.C. §1692f;
- f. Contacting Plaintiff repeatedly or continuously with intent to annoy, abuse or harass Plaintiff in violation of 15 U.S.C. §1692d.

WHEREFORE, Plaintiff respectfully requests that judgment be entered against Defendant for:

- A. Declaratory judgment that Defendant's conduct violated the FDCPA;
- B. Actual damages;
- C. Release of the alleged debt;
- D. Statutory damages, costs, litigation expenses and attorney's fees pursuant to 15 U.S.C. § 1692(k); and
- E. For such other relief as the Court may deem just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiff requests a trial by jury, in the Associate Circuit Court of Saint Louis City, Missouri on all counts and allegations of wrongful conduct alleged in this Petition.

Respectfully submitted,

AEKTRA LEGAL, LLC

/s/ Steven A. Donner

Steven A. Donner, #63789

1108 Olive Street, Suite 200

St. Louis, Missouri 63101

Phone: (314) 240-5350

Fax. (888) 785-4461

Email: [steve.donner@da-lawfirm.com](mailto:steve.donner@da-lawfirm.com)

IN THE CIRCUIT COURT OF ST. LOUIS CITY, MISSOURI  
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CHUDWUKI NJOKU,	)	
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GC SERVICES LIMITED PARTNERSHIP,	)	
	)	<b>JURY TRIAL DEMANDED</b>
Serve at:	)	
Registered Agent	)	
CT Corporation	)	
120 South Central Avenue	)	
Clayton, MO 63105	)	
	)	
Defendant.	)	

**MOTION FOR SPECIAL PROCESS SERVER**

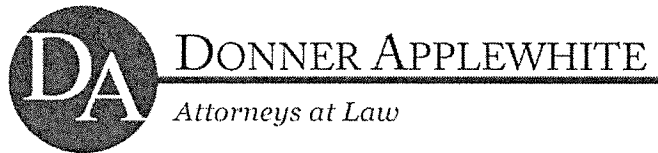
Comes now Plaintiff, by and through counsel, and requests that David Conder, ProServe, 4740  
Candleglow Drive, Saint Louis, MO 63129, be appointed as a special process server for service on  
Defendant.

Respectfully submitted,

AEKTRA LEGAL, LLC

/s/ Steven A. Donner  
Steven A. Donner, #63789  
1108 Olive Street, Suite 200  
Saint Louis, Missouri 63101  
Telephone: (314) 240-5350  
Facsimile: (888) 785-4461  
Email: [steve.donner@da-lawfirm.com](mailto:steve.donner@da-lawfirm.com)

**ATTORNEY FOR PLAINTIFF**



1108 Olive Street, Suite 200  
Saint Louis, MO 63101  
Telephone: (314) 240-5350  
Facsimile: (888) 785-4461

STEVEN A. DONNER, Partner  
Attorney at Law

Email: [steve.donner@da-lawfirm.com](mailto:steve.donner@da-lawfirm.com)

October 28, 2015

Associate Circuit, Civil Division  
22nd Judicial Circuit Courts  
10 North Tucker Blvd  
St. Louis, MO 63101

RE: CHUDWUKI NJOKU V. GC SERVICES LIMITED PARTNERSHIP  
**1522-AC12859**

To Whom It May Concern:

Unfortunately, due to a clerical error, I submitted only \$50.00 instead of the required \$93.00 as a filing fee in the above referenced matter. Please find enclosed payment for \$43.00, which reflects the remaining filing fee owed. I apologize for any inconvenience that this may have caused you. Please feel free to contact me with any questions that you may have.

Sincerely,

Steven A. Donner

Party Name (Party ID)	Detc Code	Description	Date	Receipt No.	Bond/ Acct ID	Void Ind.	Non-Monetary Amount	Monetary Amount
DONNER, STEVEN ANDREW (63789)	1109	Credit Card-eFiling	23-Oct-2015	22ST1878029			\$0.00	\$50.00
Party Total Receipts:							\$0.00	\$50.00
Grand Total Receipts:							\$0.00	\$50.00





## IN THE 22ND JUDICIAL CIRCUIT COURT, CITY OF ST LOUIS, MISSOURI

Judge or Division: BARBARA PEEBLES	Case Number: 1522-AC12859
Plaintiff/Petitioner: CHUDWUKI NJOKU	Plaintiff's/Petitioner's Attorney/Address: STEVEN ANDREW DONNER 1108 OLIVE STREET SUITE 200 ST LOUIS, MO 63101
Defendant/Respondent: G C SERVICES LTD PARTNERSHIP	Date, Time and Location of Court Appearance: 02-DEC-2015, 09:30 AM
Nature of Suit: AC Other Tort	Division 27 CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101

(Date File Stamp)

## Associate Division Summons

The State of Missouri to: **G C SERVICES LTD PARTNERSHIP**  
Alias:

CT CORPORATION  
120 S CENTRAL AVE  
CLAYTON, MO 63105

**SPECIAL PROCESS SERVER**

COURT SEAL OF



CITY OF ST LOUIS

You are summoned to appear before this court on the date, time, and location above to answer the attached petition. If you fail to do so, judgment by default will be taken against you for the relief demanded in the petition. You may be permitted to file certain responsive pleadings, pursuant to Chapter 517 RSMo. Should you have any questions regarding responsive pleadings in this case, you should consult an attorney.

If you have a disability requiring special assistance for your court appearance, please contact the court at least 48 hours in advance of scheduled hearing.

**October 28, 2015**

Date

*Thomas Kloeppinger*

Thomas Kloeppinger, Circuit Clerk

Further Information:

## Sheriff's or Server's Return

**Note to serving officer:** Service must not be made less than ten days nor more than sixty days from the date the Defendant/Respondent is to appear in court.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_ a person of the Defendant's/Respondent's family over the age of 15 years.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name ) \_\_\_\_\_ (title).
- ☐ other \_\_\_\_\_.

Served at \_\_\_\_\_ (address)

in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

**Must be sworn before a notary public if not served by an authorized officer:**

(Seal)

Subscribed and sworn to before me on \_\_\_\_\_ (date).

My commission expires: \_\_\_\_\_

Date

Notary Public

## Sheriff's Fees, if applicable

Summons	\$ _____
Non Est	\$ _____
Sheriff's Deputy Salary	\$ _____
Supplemental Surcharge	\$ 10.00
Mileage	\$ _____ ( _____ miles @ \$ _____ per mile)
<b>Total</b>	\$ _____

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.



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Judge or Division: BARBARA PEEBLES	Case Number: 1522-AC12859
Plaintiff/Petitioner: CHUDWUKI NJOKU	Plaintiff's/Petitioner's Attorney/Address: STEVEN ANDREW DONNER 1108 OLIVE STREET SUITE 200 ST LOUIS, MO 63101
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Alias:

CT CORPORATION  
120 S CENTRAL AVE  
CLAYTON, MO 63105

**SPECIAL PROCESS SERVER**

 COURT SEAL OF  
CITY OF ST LOUIS

You are summoned to appear before this court on the date, time, and location above to answer the attached petition. If you fail to do so, judgment by default will be taken against you for the relief demanded in the petition. You may be permitted to file certain responsive pleadings, pursuant to Chapter 517 RSMo. Should you have any questions regarding responsive pleadings in this case, you should consult an attorney.

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**October 28, 2015**  
Date

*Thomas Kloeppinger*  
Thomas Kloeppinger, Circuit Clerk

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☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with a person of the Defendant's/Respondent's family over the age of 15 years.

☒ (for service on a corporation) delivering a copy of the summons and a copy of the petition to ANDREA CAIRN et Corp (name) Corporate Designee (title).

☐ other \_\_\_\_\_

Served at 120 S. Central Suite 400 STL MO 63105 (address)  
in ST Louis (County/City of St. Louis), MO, on 11-12-2015 (date) at 12:00 PM (time).

David Oculder 315 Printed Name of Sheriff or Server Decker 315 Signature of Sheriff or Server

**Must be sworn before a notary public if not served by an authorized officer:**

**JANE P. CONDER**  
Notary Public - Notary Seal  
State of Missouri  
Commissioned for St. Louis County  
My Commission Expires: March 15, 2019  
My Commission Number: 15300793

Subscribed and sworn to before me on November 10, 2015 (date) Jane P. Conder Notary Public

My commission expires: B-15-2015 Date

**Sheriff's Fees, if applicable**

Summons \$ \_\_\_\_\_  
Non Est \$ \_\_\_\_\_  
Sheriff's Deputy Salary \$ \_\_\_\_\_  
Supplemental Surcharge \$ 10.00  
Mileage \$ \_\_\_\_\_ ( \_\_\_\_\_ miles @ \$ \_\_\_\_\_ per mile)  
Total \$ \_\_\_\_\_

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.